

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C814-2008-0165

REQUEST: Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 222 & 300 East Riverside Drive from L-V-NP – Tract 1 & L-NP – Tract 2 to PUD-NP, Tracts 1 & 2.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on 1st reading have been incorporated into the ordinance and attachments.

OWNER/APPLICANT: CWS Riverside Square, L.P. (Greg Miller)

AGENT: Armbrust & Brown, L. L. P. (Richard Suttle)

DATE OF FIRST READING: September 25, 2008, The public hearing was held open and the first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning was approved (consent). 7-0

CITY COUNCIL HEARING DATE: October 16th, 2008

ORDINANCE NUMBER:

CITY COUNCIL ACTION:

ASSIGNED STAFF: Clark Patterson

ZONING CHANGE REVIEW SHEET

CASE: C814-2008-0165 East Riverside PUD

P. C. DATE: 08-26-2008

ADDRESS: 222 & 300 East Riverside Drive

AREA: 6.88 Acres

APPLICANT: CWS Riverside Square, L.P.
(Greg Miller)

AGENT: Armbrust & Brown, L. L. P.
(Richard Suttle)

NEIGHBORHOOD PLAN AREA: Greater South River City Neighborhood Planning Area

CAPITOL VIEW: No

WATERSHED: Town Lake/East Bouldin Creek

T.I.A.: Waived See the Transportation Reviewer's comments.

HILL COUNTRY ROADWAY: No **DESIRED DEVELOPMENT ZONE:** Yes

ZONING FROM: L-V-NP – Tract 1 & L-NP – Tract 2

ZONING TO: PUD-NP, Tracts 1 & 2.

SUMMARY STAFF RECOMMENDATION:

Staff recommends Planned Unit Development – Neighborhood Plan zoning district, PUD-NP for Tracts 1 & 2 with the additional requirement that the applicant perform an access study that analyzes the level of service (LOS) for the proposed driveway(s) along E. Riverside Drive.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for PUD-NP for Tracts 1 & 2; was approved by Commissioner Jay Reddy's motion, Commissioner Sandra Kirk second the motion on a vote of 7-0. Commissioner Paula Hui and Perla Cavazos were absent.

DEPARTMENT COMMENTS:

Staff received a rezoning application for the above-mentioned case July 29th, 2008. This Planned Unit Development (PUD) is being submitted after lengthy negotiations between the applicant, CWS Capital Partners, South River City Citizens and SaveTownLake.org in order to reach a compromise settlement that would allow the developer to maximize the sites development potential without encroaching into the Lady Bird Lake primary setback and developing to the maximum two hundred foot height allowed in the Lake zoning district. The applicant proposes to utilize the site development regulations of the Lake Commercial District as a base district except as modified herein. The site development regulation modifications are outlined below:

1. The following land uses, which are either not permitted or are a Conditional Use in the Lake zoning district will now be a permitted use:

- Condominium Residential
- Multi-family Residential
- Administrative & Business Offices
- Art Gallery
- Cocktail Lounge
- Financial Services
- Food Sales
- General Retail Sales (Convenience)
- General Retail Sales (General)
- Hotel-Motel
- Medical Offices (exceeding 5,000 sq. ft.)
- Medical Offices (not exceeding 5,000 sq. ft.)
- Personal Services
- Professional Office
- Restaurant (General)
- Restaurant (Limited)
- Cultural Services
- Parks & Recreational Services

2. The following Site Development Regulations will not be applicable to the site:

- Division 5, Subpart "C", 3.2, Planned Unit Development District Regulations.
- Section 25-2-1063, Height Limitations and Setbacks for Large Sites.
- Section 25-2-1065, Scale and Clustering Requirements.

3. The following Site Development Regulations have been modified for the site:

- Section 25-2-721(B) Waterfront Overlay Combining District Regulations is modified as follows:
 - There shall be no development in the Town Lake and East Bouldin Creek primary setback areas, except:
 - Park facilities, including picnic tables, observation decks, trails, gazebos & pavilions.
 - An emergency access route, if constructed of a traffic bearing grass or gravel system. No routine access on such emergency access is permitted.
- Section 25-2-721(C) Waterfront Overlay Combining District Regulations is modified as follows:
 - All permitted uses within the PUD may be located within the Town Lake and East Bouldin Creek secondary setback.
 - Impervious cover in excess of building coverage within the Town Lake secondary setback is permitted for open space uses.
 - The maximum building/impervious coverage in the Town Lake secondary setback area shall be 50 percent.
 - The maximum building height in the Town Lake/East Bouldin Creek secondary setback area shall be 35 feet.
 - The maximum building/impervious coverage in the East Bouldin Creek secondary setback areas shall be 100 percent.
- Section 25-2-742(C)(2) South Shore Central Subdistrict Regulations is modified as follows:
 - The secondary setback line is located 50 feet from the primary setback line parallel to the East Bouldin Creek centerline.

4. This section is applicable to Transportation Regulations:

1. Section 25-6-113, Traffic Impact Analysis Required is modified. A Traffic Impact Analysis (TIA) shall be submitted as part of a site plan application, if the expected number of trips generated by the project exceeds 4,000 trips per day.

5. The applicant is requesting the following regulations be applicable to the Parkland Dedication.

- A. Prior to obtaining a permanent certificate of occupancy for the first building in the PUD, approximately 1.5 acres of parkland shall be dedicated. It shall be dedicated within the primary setback areas.
- B. A trail shall be constructed along Town Lake and East Bouldin Creek between the westernmost property boundary to Riverside Drive. The trail shall be within the dedicated parkland.
- C. The dedication of approximately 1.5 acres of parkland and the construction of the trail shall satisfy all parkland dedication/fee requirements and open space requirements for development within the PUD.
- D. No underground parking shall be allowed in the dedicated parkland area.
- E. All development rights within the parkland area can be used for development within the PUD. For purposes of site plan approvals, the area dedicated as parkland shall be included in the site calculations. The City of Austin's joinder in any site plan application is not required notwithstanding the inclusion of the parkland area within the site plan
- F. The existing pier/dock may be improved or renovated and may be privately maintained and operated pursuant to a Maintenance and Use Agreement. Compliance with applicable ADA regulations shall be included in the Maintenance and Use Agreement.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	L-V-NP/L-NP	Multi-family
NORTH	NONE	Lady Bird Lake
SOUTH	CS-CO-NP	Retail
EAST	L-V-NP	Condominiums
WEST	CS-V-NP	Office Building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-94-0107 501 & 503 Riverside Drive	From MF-4- NCCD to SF- 3-NCCD	Approved SF-3-NCCD [Vote: 5-0]	Approved SF-3-NCCD [Vote: 6-0]
C14-05-0077 127 E. Riverside Drive	From LI to CS- CO	Approved CS-CO [Vote: 6-0]	Approved CS-CO [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- South River City Citizens Assoc.
- Austin Neighborhood Council
- Downtown Austin Neighborhood Assoc.
- South Central Coalition
- Homeless Neighborhood Assoc.
- Sentral Plus East Austin Koalition
- Austin Neighborhoods Council

SCHOOLS:

Travis Heights Elementary School
Fulmore Middle School
Travis High School

PARKS COMMENTS RECIEVED:

1. Parkland should be dedicated at the PUD approval stage.
2. Trail to be constructed by the developer along Lady Bird Lake and East Bouldin Creek should meet City of Austin trail specifications. The trail should be aligned with the existing trail on the Austin American Statesman's property.
3. PARD needs to see the parkland dedication calculations as per the code.
4. Development rights within the parkland must be separated from the development of the PUD. If this is not possible, PARD must be able to place some impervious cover on the parkland along the lake related to the boardwalk, such as a kiosk, drinking fountain, and or benches.
5. The existing docks maybe improved and can be privately maintained but open to the public. The existing parkland fee related to the subdivision for 100 units, which is 222 E. Riverside, should remain with the City until the dedication of the land and the construction of the trail is completed.
6. Additional parkland fees may be owed upon new calculations for both properties, 222 and 300 East Riverside.

SITE PLAN COMMENTS RECEIVED:

1. The provided land use plan did not have any proposed land uses. Therefore was no breakdown for proposed units and or square footages for the listed proposed uses in the PUD.
2. Staff recommends against allowing electronic testing use in the PUD. That use is suited for a much more commercial type zoning. Please specify if Parks and Recreation Services use is general, special, or both. Staff would like to see a maximum square footage of a proposed use.
3. This provision should also include compliance with the Waterfront Overlay where applicable
4. Staff recommends that the provision of LDC Section 25-2 Division 5 remain in place. This section provides such safeguards as environmental protection, traffic/parking guidelines, open space provision, the parameters for residential and non-residential development. Establishes a tier criteria for the development.
5. Staff has no issue with this since the proposed maximum height allowed on the site will be 96 feet.
6. The listed improvements of this section should only be allowed on public dedicated parkland only.
7. There should be a maximum amount of primary setback area that can be used for the emergency access route. Once areas in the primary are designated for an emergency route, no improvements or landscaping can be installed in this area. The emergency route should remain outside the primary setback as much as possible.
8. Proposed uses in the secondary setback, on the ground floor, should meet the definition of a pedestrian-oriented use per Section 25-2-691(C). There should be a maximum cap as to the amount of area for a specific proposed use to assure a mixture of pedestrian uses on the ground floor.
9. The proposed building coverage should not exceed the impervious cover allowed in the secondary setback of the Lady Bird Lake. This area should allow for an emergency access route.
10. See above. Should also include an impervious cover limit in the secondary setback of the Lady Bird Lake
11. The 100% building coverage proposal would cause a canyon affect along the East Bouldin Creek side. Staff recommends a lesser building coverage to break up a potential wall of development.
12. The site should comply with Chapter 25-2, Subchapter E. The Waterfront Overlay emphasized pedestrian orientation. Subchapter E would reinforce a pedestrian friendly development.

ENVIRONMENTAL COMMENTS RECEIVED:

1. Per PUD Part 6C(1): Measurement of impervious cover for a sub-surface portion of a parking structure is defined in LDC Section 25-1-23(B)(5) (see below). Staff recommends use of the definition and requirements below:

Section 25-1-23(B)(5) IMPERVIOUS COVER MEASUREMENT.

(B) (5) a subsurface portion of a parking structure if the director determines that:

(a) the subsurface portion of the structure:

- (i) is located within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*), but outside the Barton Springs Zone;
 - (ii) is below the grade of the land that existed before the construction of the structure;
 - (iii) is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and
 - (iv) has an area not greater than fifteen percent of the site;
- (b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (*Residential Design and Compatibility Standards*);
- (c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded; and
- (d) the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property.

2. Per PUD Part 6C(2): Staff recommends a maximum on the area of the emergency route that is made of a grass bearing or gravel pavement system. It is not clear where on the property the emergency access will be. Per Part 6 (A)(4)(a)(2), the vast majority of the emergency access route could be located in primary setback.

3. Part 8 has the title of tree with no language. Staff recommends compliance with current code standards of tree preservation and landscaping.

TRANSPORTATION COMMENTS RECEIVED:

1. No additional right-of-way is needed at this time for E. Riverside Drive, between IH-35 and Congress Avenue in accordance with the 2025 Austin Metropolitan Area Transportation Plan.
2. A traffic impact analysis was waived for this case because both the applicant and city staff are in agreement to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 4,000 vehicle trips per day. A traffic impact analysis (TIA) will be required as part of the site plan application, if the expected number of trips generated by the project exceeds 4,000 trips per day.
3. If the zoning is granted, the development should be required to perform an access study that analyzes the level of service (LOS) for the proposed driveway(s) along E. Riverside Drive. The study should include any recommendations necessary to ensure safe and convenient access to this development along E. Riverside Drive. These recommendations may include, but not limited to, sight distance improvement, restricted turns, channelized turns, or joint use access with the adjacent property owner. The access study should be required as part of the site plan application.
4. There are existing sidewalks along both sides of E. Riverside Drive.
5. E. Riverside Drive is classified in the Bicycle Plan as a Priority 1 bike route.
6. Capital Metro bus service is available along E. Riverside Drive with the following bus routes: #27 (Dove Springs 7 Duval), #411 (E-bus special service suspended for summer), #483 (Southeast Night Owl), #935 (Tech Ridge Express), #984 (Northwest Direct/IH-35), #986 (Leander Direct/IH-35), and #987 (Leander and Northwest Express).

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT Count
E. Riverside Drive	Varies	Varies	4-lane, major arterial divided (MAD4)	16,045 taken 6/27/05, 200 Block – west of Newning Avenue

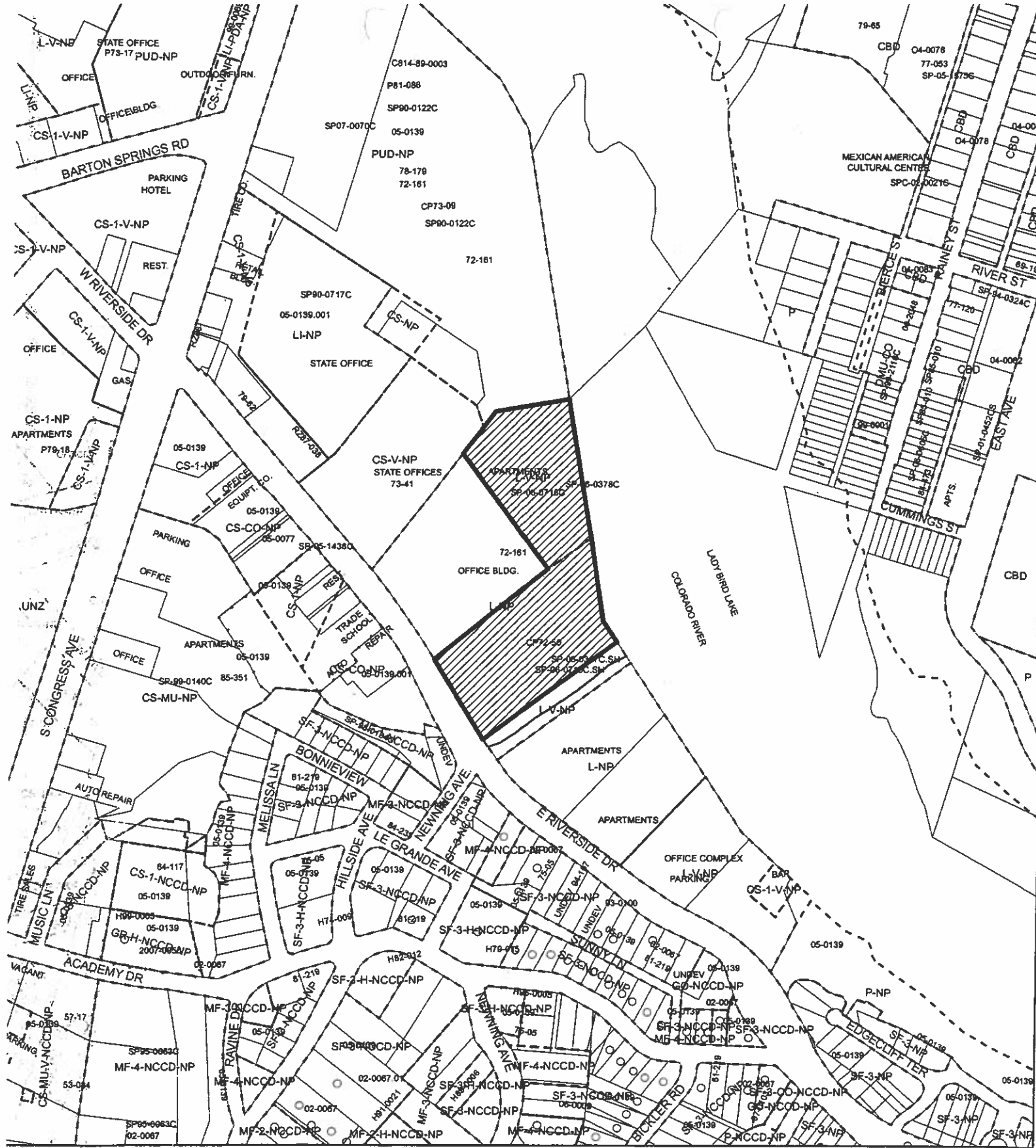
CITY COUNCIL DATE: September 25, 2008

ACTION:




ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



ZONING

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

ZONING CASE#: **C814-2008-0165**
 ADDRESS: **222 E RIVERSIDE DR**
 SUBJECT AREA: **6.88 ACRES**
 GRID: **J21**
 MANAGER: **C. PATTERSON**

OPERATOR: S. MEEKS



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY COMMONLY KNOWN AS THE EAST RIVERSIDE PUD LOCATED
3 AT 222 AND 300 EAST RIVERSIDE DRIVE IN THE SOUTH RIVER CITY
4 NEIGHBORHOOD PLAN AREA, FROM LAKE COMMERCIAL-VERTICAL
5 MIXED USE BUILDING-NEIGHBORHOOD PLAN (L-V-NP) COMBINING
6 DISTRICT AND LAKE COMMERCIAL-NEIGHBORHOOD PLAN (L-NP)
7 COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-
8 NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT.

9
10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

11
12 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
13 change the base district from lake commercial-vertical mixed use building-neighborhood
14 plan (L-V-NP) combining district and lake commercial-neighborhood plan (L-NP)
15 combining district to planned unit development-neighborhood plan (PUD-NP) combining
16 district on the property described in Zoning Case No. C814-2008-0165, on file at the
17 Neighborhood Planning and Zoning Department, as follows:

18
19 Tract One: Lot 1, Riverside Square Subdivision, a subdivision in the City of
20 Austin, Travis County, Texas, according to the map or plat of record in Document
21 No. 200600245, of the Official Public Records of Travis County, Texas; and

22
23 Tract Two: A 3.889 acre tract of land, more or less, out of the Isaac Decker
24 League, Travis County, the tract of land being more particularly described by
25 metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

26
27 locally known as 222 and 300 East Riverside Drive, in the City of Austin, Travis County,
28 Texas, and generally identified in the map attached as Exhibit "B".

29
30 **PART 2.** This ordinance, together with the attached Exhibits A through C, are the land use
31 plan for the East Riverside planned unit development district (the "PUD") created by this
32 ordinance. The PUD shall conform to the limitations and conditions set forth in this
33 ordinance and in the East Riverside planned unit development land use plan (the "Land
34 Use Plan"). If this ordinance and the attached exhibits conflict, the ordinance applies.
35 Except as otherwise specifically provided by this ordinance, all other rules, regulations and
36 ordinances of the City apply to the PUD.

1 In accordance with Part 3 of Ordinance No. 20080618-098, the PUD is subject to the
2 standards in effect on June 18, 2008.

3 **PART 3.** The Property is subject to Ordinance No. 20050929-Z003 that established the
4 South River City neighborhood combining district.

5
6 **PART 4.** The attached exhibits are incorporated into this ordinance in their entirety as
7 though set forth fully in the text of this ordinance. The exhibits are as follows:

8 Exhibit A: Description of Property
9 Exhibit B: Zoning Map
10 Exhibit C: Land Use Plan
11

12 **PART 5. Definitions.**

13
14 A. In this ordinance:

- 15
16 1) **PRIMARY SETBACK** means the Town Lake, East Bouldin Creek, and
17 Riverside setbacks in the Waterfront Overlay District with the following
18 prescribed distances:

19
20 Town Lake 150 feet
21 East Bouldin Creek 80 feet
22 Riverside 35 feet
23

- 24 2) **SECONDARY SETBACK** means the Town Lake, and East Bouldin Creek
25 setbacks in the Waterfront Overlay District with the following prescribed
26 distances:

27
28 Town Lake 50 feet
29 East Bouldin Creek 50 feet
30

31 B. All other terms have the meaning provided in the Code.

32
33 **PART 6.** Except as otherwise provided in this ordinance, the uses and site development
34 regulations of the lake commercial (L) district apply to the PUD instead of otherwise
35 applicable regulations.
36
37
38

1 A. Uses

2
3 The following uses are permitted uses of the PUD:

4

5 Condominium residential	Administrative and business offices
6 Electronic testing	Parks and recreational services
7 Cocktail lounge	Financial services
8 General retail sales (convenience)	Hotel-motel
9 Personal services	Restaurant 9general)
10 Cultural services	Multifamily residential
11 Food sales	General retail sales (general)
12 Professional office	Restaurant (limited)
13 Medical offices (not exceeding 5000 sq. ft of gross floor area)	
14 Medical office (exceeding 5000 sq. ft. of gross floor area)	

15

16 B. Site Development regulations

- 17
- 18 1) Division 5, Subpart C, 3.2 (*Planned Unit Development Regulations*) of the
 - 19 City Code do not apply to the PUD.
 - 20
 - 21 2) The maximum height of a building or structure is 96 feet for the area outside
 - 22 the Waterfront Overlay District Setbacks.
 - 23
 - 24 3) Within the Town Lake and East Bouldin Creek Secondary Setbacks the
 - 25 maximum height of a building or structure is 35 feet.
 - 26
 - 27 4) Section 25-2-531 (*Height Limit Exceptions*) apply to the height limitations
 - 28 set forth in Subsections 2 and 3.
 - 29
 - 30 5) Section 25-2-1063 (*Height Limitations and Setbacks for Large Site*) and
 - 31 Section 25-2-1065 (*Scale and Clustering Requirements*) do not apply to the
 - 32 PUD.
 - 33
 - 34 6) Section 25-2-721(B) (*Waterfront Overlay (WO) Combining District*
 - 35 *Regulations*) is modified as follows:
 - 36
 - 37 a. Except as shown in (1) and (2) in this Subsection, development is
 - 38 prohibited in the Town Lake and East Bouldin Creek primary setback
 - 39 areas.
 - 40

- (1) Park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions are allowed.
- (2) An emergency access route, if constructed of traffic bearing grass or gravel covered pavement system is allowed. Except for emergency use, routine access use is not permitted.

7) Section 25-2-721(C) (*Waterfront Overlay (WO) Combining district Regulations*) is modified as follows:

- a. A use permitted within the PUD may be located within the Town Lake and East Bouldin Creek secondary setback area.
- b. Within the East Bouldin Creek secondary setback areas:
the maximum building coverage is 100 percent, and
the maximum impervious cover is 100 percent.
- c. Within the Town Lake secondary setback area:
the maximum building coverage is 50 percent; and
impervious cover for open space uses may exceed the building coverage by _____ percent but not greater than _____ percent.

8) Section 25-2-744(C)(2) (*South Shore Central Subdistrict Regulations*) is modified as follows:

The secondary setback line is located 50 feet from the primary setback line parallel to the East Bouldin Creek centerline.

9) Subchapter E (*Design Standards and Mixed Use*) of Chapter 25-2 of the City Code does not apply to the PUD.

1 C. Transportation

2
3 Section 25-6-113 (*Traffic Impact Analysis Required*) is modified as follows:

4
5
6 If the expected number of trips generated by the project exceeds 4000 trips per day,
7 a traffic impact analysis ("TIA") shall be provided prior to site plan approval to the
8 Watershed Protection and Development Review Department, or its successor
9 department, of the City of Austin. All development on the Property shall be subject
10 to the requirements of the TIA as set forth in Section 25-6, Article 3 (*Traffic*
11 *Impact Analysis*) of the City Code and Section 2 of the Transportation Criteria
12 Manual.
13

14 D. Parkland Dedication

- 15
16 1) Prior to the issuance of a certificate of occupancy for the first building in the
17 PUD, approximately 1.5 acres of parkland shall be dedicated. The parkland
18 shall be located within the primary setback areas depicted on Exhibit C.
19 Underground parking is not permitted in the dedicated parkland area.
20
21 2) Within the dedicated parkland, a hike and bike trail shall be constructed
22 along Town Lake and East Bouldin Creek between the westernmost property
23 line to the southeast corner area of the property at East Riverside Drive.
24
25 3) The dedication of parkland and construction of the hike and bike trail shall
26 satisfy all parkland dedication and fee requirements and open space
27 requirements for development within the PUD.
28
29 4) All development rights within the parkland area may be used for
30 development within the PUD. For purposes of site plan approvals, the area
31 dedicated as parkland shall be included in the site calculations. The joinder
32 of the City of Austin in any site plan application is not required
33 notwithstanding the inclusion of the parkland area within the site plan.
34
35 5) The existing pier or dock may be improved or renovated and may be
36 privately maintained and operated under a Maintenance and Use Agreement.
37 The Agreement must include the applicable regulations required under the
38 Americans with Disabilities Act (ADA).
39
40

1
2
3 **PART 7.** This ordinance takes effect on _____, 2008.
4

5
6 **PASSED AND APPROVED**
7

8
9
10 _____, 2008

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§
§

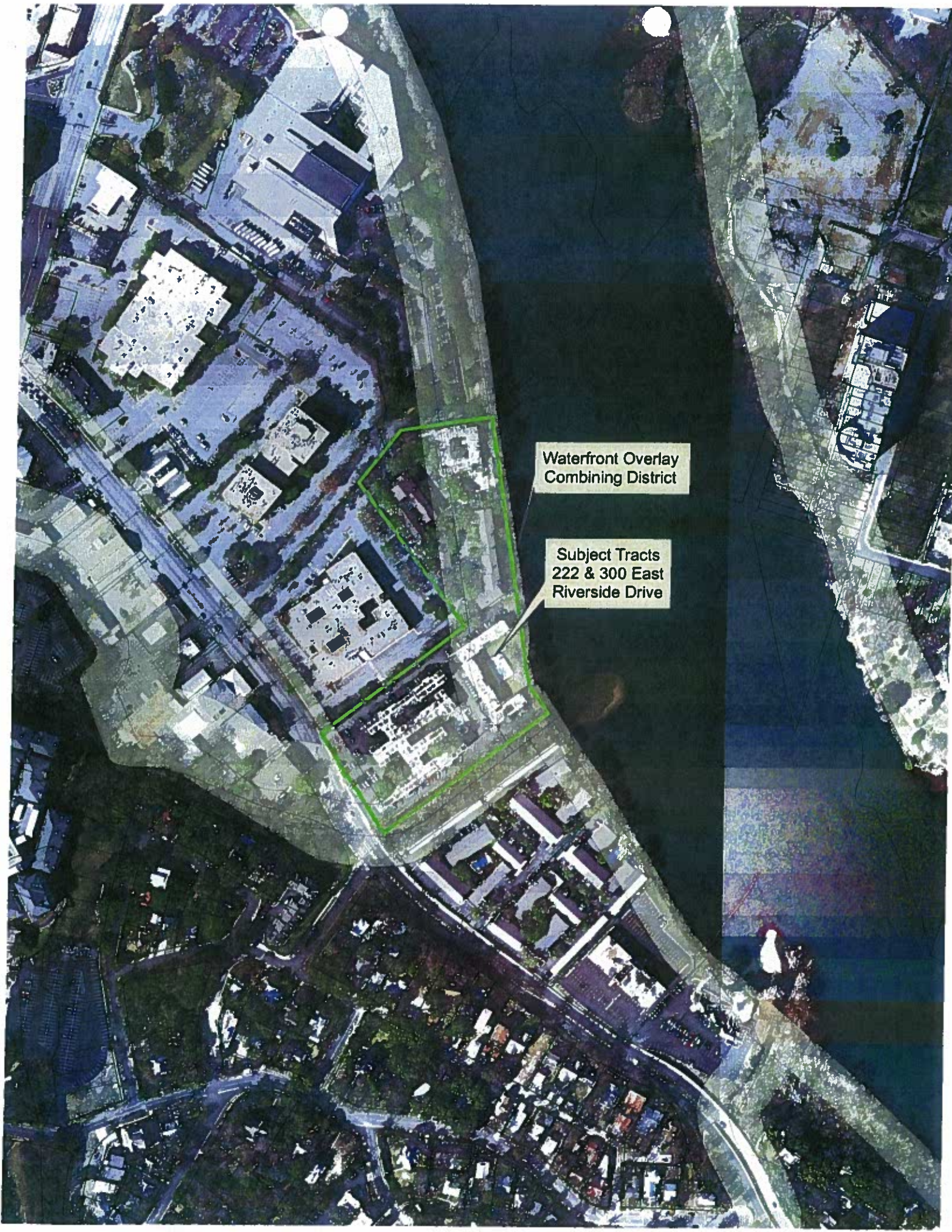
11 Will Wynn
12 Mayor
13

14
15 **APPROVED:**

16 David Allan Smith
17 City Attorney

ATTEST:

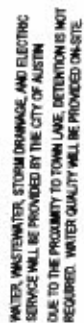
Shirley A. Gentry
City Clerk



Waterfront Overlay
Combining District

Subject Tracts
222 & 300 East
Riverside Drive

EAST RIVERSIDE PUD - 6.88 ACRES



LADY BIRD LAKE

